



U.S. Department of Justice

Antitrust Division

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March 25, 2019

VIA ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-7789 (LGS); *NYPL, et al. v. JPMorgan Chase & Co., et al.*, 15-cv-9300 (LGS); *Contant, et al. v. Bank of America Corporation, et al.*, No. 17-cv-3139 (LGS); *Allianz, et al. v. Bank of America Corporation, et al.*, No. 18-cv-10364 (LGS)

Dear Judge Schofield:

Pursuant to the Court's December 20, 2018 Order (13-cv-7789, Dkt. No. 1148), the United States Department of Justice, through the Antitrust Division and the Fraud Section of the Criminal Division ("the Department"), respectfully requests a three-month extension of the limited discovery stay of certain depositions and interviews in the above-referenced matters.¹ The Department submits that the stay is necessary given the upcoming trial and appeal in two FX-related cases:

- *United States v. Aiyer*, 18-cr-333, is set for trial before Judge Koeltl of the Southern District of New York on October 21, 2019.
- *United States v. Johnson*, 18-1503-cr, is on appeal to the Second Circuit. The case has been fully briefed, and the Second Circuit has proposed the week of May 28, 2019 for oral argument.

As before, the Department would continue to consider one-off requests for depositions of individuals who are covered by the terms of the stay. The Department has approved such requests by the *In re Foreign Exchange* and the *NYPL* Plaintiffs in the

¹ In its case management plan and scheduling orders in the both the *Contant* and *Allianz* cases (17-cv-3139, Dkt. No. 176; 18-cv-10364, Dkt. No. 144), the Court acknowledged application of the DOJ stay to those cases.

past. In addition, the Department has also agreed to consider a longer list of individuals in order to aid in facilitating progress of the litigation.

The Department submits that the scope of the stay appropriately balances the need to protect the integrity of ongoing cases with Plaintiffs' desire for testimonial discovery at this juncture of the civil cases.

Plaintiffs in the *In re Foreign Exchange* case (13-cv-7789), the *Contant* case (17-cv-3139), and the *Allianz* case (18-cv-10364) consent to the Department's request, as do all Defendants except Credit Suisse, which takes no position. Plaintiffs in the *NYPL* matter (15-cv-9300) oppose the Department's request.

It is ORDERED that by March 29, 2019, the Nypl Plaintiffs shall file a letter, not to exceed two pages, responding to the Department's request for an extension of the discovery stay.

The Clerk of Court is respectfully directed to docket this Order at Nos. 13 Civ. 7789, 15 Civ. 9300, 17 Civ. 3139 and 18 Civ. 10364.

Dated: March 26, 2019
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE